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Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/910,316

Applicant(s)

PUTTERMAN ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 85,86,88-93,101-107 and 110-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85,86,88-93,101-107 and 110-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/7/2007 with respect to claim 85 have been fully considered but they are not persuasive.

Applicant has amended claim 85 to state that the digital content object comprises an executable file. The examiner notes that video stream 223 in Figure 3 is processed (executed) and output to display 300 (see Column 6, Lines 36-67), therefore the video stream 223 represents a digital content object (see Column 4, Lines 48-66) comprising an executable file (see again Column 6, Lines 36-67 for processing a digital video stream 223).

2. Applicant's arguments with respect to claims 101-107 and 110-114 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claims 103-105 are objected to because of the following informalities: The claims still recite digital data content objects and should read executable files in accordance with the amendment made to claim 101. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 85-88, 106 and 108-111 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Elliot et al. (U.S. Patent No. 6,751,402).

Referring to claim 85, Elliot discloses a home media system (see Figure 2) comprising a network (see Column 5, Lines 51-58).

Elliot also discloses that the home media system further comprises an acquisition storage set-top box (see personal video recorder 200 in Figure 2), coupled to said network (see Column 5, Lines 56-58), for storing at least one digital data content object comprising an executable file (see stored video streams 222 and 223 in Figure 3). The examiner notes that video stream 223 in Figure 3 is processed (executed) and output to display 300 (see Column 6, Lines 36-67), therefore the video stream 223 represents a digital content object (see Column 4, Lines 48-66) comprising an executable file (see again Column 6, Lines 36-67 for processing a digital video stream 223).

Elliot also discloses that the control/playback set-top box (see set-top box 100 in Figure 2), coupled to said network (see Column 5, Lines 51-56 and note that auxiliary interface 130 is a component of set top box 100 in Figure 2), comprising a media playback module (see video output interface 120 in Figure 2) and a media control module (see microprocessor 140 in Figure 2), said media control module comprising an applications module for accessing, across said network, at least one digital data content

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object from said acquisition storage set-top box (see Column 3, Lines 20-24 and Column 6, Lines 36-53 for a microprocessor (media control module) that recognizes the connection to the digital video recorder 200 and in response to user input 142, generates the command that initiates the playback of a recorded television program stored on the digital video recorder 200), and for running at least one media application that provides functionality, through a user interface, to play media (see Column 4, Lines 19-47 for providing a media application to play media in the form of an electronic program guide), said media playback module comprising a decoder for decoding media comprised in said digital data content object (see video output interface 120 containing MPEG decoder 122 in Figure 2 and Column 5, Lines 16-39).

Elliot also discloses a client device (see display device 300 in Figure 2), coupled to said control/playback set top box (see Figure 2 for display device 300 coupled to set top box 100 in Figure 2), for displaying said user interface for said media application (see Column 4, Lines 37-40) and for playing media comprised in said digital data content object (see Column 3, Line 64 through Column 4, Line 2).

Referring to claim 86, Elliot discloses that said acquisition set top box further acquires said digital data content object external to said network (see Column 3, Lines 1-61 for receiving a broadcast signal 102 to set top box 100 and providing the broadcast signal to the disk 220 in the digital video recorder 200 for storage, therefore, since the stored video stream is received from a broadcast source (which is external to said home

network shown in Figure 2), the digital video recorder (acquisition set top box) 200 clearly receives said digital data content object external to said network).

Referring to claim 88, Elliot discloses that the control/playback set top box comprises a microprocessor, auxiliary interface that comprises an IEEE 1394 circuitry (see rejection of claim 85) and receives user input to allow a user to control the device, as well as outputting an EPG and video output to an external display (see Figure 2), therefore the control/playback set top box clearly represents a personal computing device/system.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zhou (U.S. Patent No. 6,353,700).

Referring to claim 89, Elliot discloses all of the limitations in claim 85, but is silent about the control/playback set-top box comprises a frame buffer.

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Zhou discloses the use of frame buffers 402, 404 and 406 in Figure 4 for storing MPEG decoded frames, decoded by an MPEG decoder (see Column 6, Lines 51 through Column 7, Line 32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video output interface 120, as taught by Elliot, to utilize the frame buffers, as taught by Zhou, for the purpose of providing a method and apparatus for playing an MPEG data file backward with a linear speed and even decoding computation for each of the compressed frames (see Column 2, Lines 51-54 of Zhou).

6. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Dara-Abrams et al. (U.S. Patent No. 6,826, 512).

Referring to claim 90, Elliot discloses all of the limitations of claim 85, but fails to teach that the home media system further comprises a PDA for receiving user input to control said control/playback set-top box.

Dara-Abrams discloses a gateway device 14, which can be a PDA (see Column 3, Lines 53-56) in a home media system (see Figure 2), which controls audio/video content to be transferred between multiple electronic devices 30, which includes a control/playback set-top box (see set-top box 58 in Figure 2).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the home media system, as taught by Elliot, to utilize

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the PDA/gateway device, as taught by Dara-Abrams, for the purpose of providing a diversity of additional different consumer electronic devices commonly found in the average home (see Column 1, Lines 15-16 of Dara-Abrams).

7. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Mano et al. (U.S. Patent No. 5,793,366).

Referring to claim 91, Elliot discloses all of the limitations of claim 85, but fails to teach a personal computer for organizing a plurality of digital data content objects stored on said acquisition storage set-top box.

Mano discloses that a personal computer can be used in an IEEE 1394 home network system, similar to Iwamura (see computer 18 in Figure 1). The personal computer 18 controls the OSD/GUI (graphical user interface 10), which allows a user to playback media from other digital devices (see Column 4, Lines 35-56). Further note that Mano discloses that the personal computer organizes a plurality of digital data content objects stored on said acquisition storage set-top box (see Figures 1 and 3 and Column 7, Lines 15-34 for the personal computer generating a GUI, which can access and organize/edit the data stored on a DVCR 30 or the digital camcorder 40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the control/playback set-top box, as taught by Elliot, using the personal computer, as taught by Mano, for the purpose of providing a control device and interface that allows the user to control a variety of devices from a common source using a common control interface (see Column 2, Lines 50-52 of Mano).



8. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Huber et al. (U.S. Patent Application Publication 2002/0059588).

The examiner notes that the Huber Publication has priority to two provisional application that provide support for the '588 Publication.

Referring to claim 92, Elliot discloses all of the limitations in claim 85, but fails to teach that the control/playback set-top box further comprises an access control module for receiving, from a remote control, a user request for a particular digital data content object and for extracting a unique identification of the remote control from the user request, said unique identification being used to restrict access to the particular digital data content object.

Huber discloses that the control/playback set-top box further comprises an access control module for receiving, from a remote control, a user request for a particular digital data content object and for extracting a unique identification of the remote control from the user request, said unique identification being used to restrict access to the particular digital data content object (see Paragraph 0028).

At the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the set top box, as taught by Elliot, to include the remote control functionality, as taught by Huber, for the purpose of offering advantages over the prior art by providing a method and system to customize and tailor video content to an

individual and doing so simply and seamlessly to the user (see Paragraph 0015 of Huber).

9. Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Iwamura et al. (U.S. Patent No. 5,883,621).

Referring to claim 93, Elliot discloses all of the limitations in claim 85, but fails to teach a digital device for accessing digital data stored on a digital medium and a device interface, coupled to said digital device, for decoding said digital data and for transmitting said digital data on said network.

Iwamura discloses that the home media system further comprises a digital device (see MD recorder 110, DVD Player 106 or DVCR2 112 in Figure 1) for accessing digital data stored on a digital medium (note that any of the digital devices mentioned above acquires digital data from a digital medium, such as a DVD, MD or storage device accessed by DVCR2) and a device interface, coupled to said digital device, for decoding said digital data (note that any of the digital devices mentioned above contain circuitry that decodes the data on the digital medium in order for proper transmission over a 1394 network cable) and for transmitting said digital data on said network (note that of the devices contain IEEE 1394 bus interfaces used to transmit the digital data content objects over the 1394 network cables). Further note Figure 12, for transferring digital data from a DVD 900 to a DVCR1 903.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the home network system, as taught by Elliot, using

the DVD player transferring digital data (over an IEEE 1394 network) to a DVCR1, as taught by Iwamura, for the purpose of allowing multiple devices in a home network to be controlled and displayed using a topology map displayed as part of a graphical user interface (see Column 1, Lines 5-8 of Iwamura).

10. Claims 101-102 and 104-108 and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603).

Referring to claim 101, Elliot discloses a home media system (see Figure 2) comprising a network (see Column 5, Lines 51-58).

Elliot also discloses a control and acquisition set-top box (see digital video recorder 200 in Figure 2), coupled to said network (see Column 5, Lines 51-58), for storing a plurality of different types of executable files including video (see Figure 2 for the digital video recorder storing a first and second video stream), said control and acquisition storage set-top box comprising a media control module (see video data stream manager 230 in Figure 2) for accessing, for transmission on said network, at least one type of said executable file (see Figure 2 for transmitted a second video stream 223 over the recorded video signal transmission path 108), and for running at least one of a plurality of media applications suitable for said type of executable file (see video stream manager 230 in Figure 2).

Elliot also discloses playback set top box (see set top box 100 in Figure 1), coupled to said network (see Column 5, Lines 51-58), for receiving said executable file

from said control and acquisition storage set top box (see Figure 2 for receiving a video stream over recorded video signal transmission path 108), said playback set top box for executing said executable file (see Column 6, Lines 54-67).

Elliot also discloses a client device, coupled to said playback set top box (see client device 300 coupled to set top box 100 in Figure 2), for displaying output from a media application (see Column 4, Lines 37-40) and for playing media comprised in said executable file (see Column 3, Line 64 through Column 4, Line 2).

Although Elliot discloses that the plurality of different types of executable files includes video files, Elliot fail to discloses that the executable files stored on the acquisition set top box includes audio and image files.

Zeidler discloses a PVR that is capable of storing various types of executable files, including video, audio and pictures/images (see Column 2, Lines 6-19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the PVR, as taught by Elliot, by including the PVR functionality for storing various types of executable multimedia files, as taught by Zeidler, for the purpose of providing a PVR enabling the receipt, recording, retrieval and playback of a variety of types of data or data files on a hard drive (see Column 2, Lines 13-15 of Zeidler).

Referring to claim 102, see the rejection of claim 86.

Referring to claim 103, Zeidler discloses a photo application for playing digital data content objects that comprise digital photo files (see Column 2, Lines 6-19).

Referring to claim 104, Elliot discloses a video application for playing executable files that comprise digital video files (see Column 3, Line 64 through Column 4, Line 2).

Referring to claim 105, see the rejection of claim 104 and further note that the video signal being displayed further comprises accompanying audio. Further note that Zeidler clearly discloses storing audio files (see Column 2, Lines 6-19).

Referring to claim 106, see the rejection of claim 101 and further note that Elliot also discloses running at least one of a plurality of media applications suitable for said type of digital data content object (see Column 3, Line 66 through Column 4, Line 2 for the microprocessor 140 determining whether to provide a video stream broadcasted over broadcast transmission path 102 or a video stream from the digital video recorder 200 in Figure 2, which are two different types of digital data content objects).

Further note that Zeidler discloses an audio client device, coupled to said control/playback set-top box, for playing audio media comprised in audio digital data content objects, wherein said audio client device is configured to only play audio media in audio digital data content objects and not being configured to play video or image media in video or image digital data content objects (see audio decompressor 65 in Figure 1).

Referring to claim 107, see the rejection of claim 106 and further note that since Zeidler is capable of playing back various types of media files, Zeidler inherently contains software applications used to play back the specific type of media from the plurality of types of media files.

Referring to claims 110-111, see the rejection of claims 86 and 88, respectively.

Referring to claim 112, Elliot and Zeidler disclose all of the limitations of claim 106, but fail to teach that the audio client device is a stereo system.

The examiner takes Official Notice to the fact that home media systems include stereo systems.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Elliot and Zeidler to include a stereo system, for the purpose of allowing a user to adjust various settings affecting the output of audio files, such as Hall, Concert or Surround Sound effects, thereby providing various output options for the user to choose from.

11. Claims 113-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Huber et al. (U.S. Patent Application Publication 2002/0059588).

Referring to claims 113-114, see the rejection of claim 92.

***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

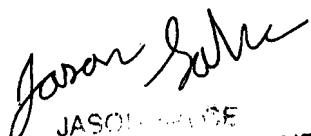
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

July 17, 2007

  
JASON P. SALCE  
PRIMARY PATENT EXAMINER